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Refugee Reports

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SALVADORANS AND GUATEMALANS AFTER AMNESTY: SQUEEZED OUT OF JOBS, AFRAID TO GO HOME

*Maria, a Salvadoran, came to the legal clinic with her husband and their four small daughters. Before leaving El Salvador she was beaten, stabbed, and left for dead by a death squad. Her father and two of her husband's brothers were killed by government troops. She asked if the new law could help her and her family. The answer was no: they arrived in April of 1982, four months after the legalization cutoff date. Not only did she not qualify for legalization, but she could anticipate problems maintaining employment. After hearing of her limited options, including political asylum, she smiled weakly and said, "We worry about having to go back to El Salvador....The girls like it here."**

Although the Immigration and Naturalization Service (INS) received more than 1.5 million legalization applications prior to the end of the general amnesty registration program on May 4 (and an additional 514,187 special agricultural worker applications), only 8 percent of the applicants were Salvadoran, and less than 3 percent were Guatemalan (71.2 percent were Mexican; 1 percent were Nicaraguan). Voluntary agency personnel who work closely with Salvadorans in the United States estimate that more than 80 percent were not eligible for legalization, most having arrived in the United States after the January 1, 1982 eligibility cutoff date.

These Salvadorans and Guatemalans join a new underclass of residual undocumented aliens who could not or would not come forward to legalize their status under the Immigration Reform and Control Act (IRCA). The number of undocumented aliens who entered the United States between 1982 and 1986 is estimated by some Census Bureau experts as up to one million persons, according to The IRCA Clearinghouse Advisor. Other estimates of the residual population of undocumented

* from "Living with the Law: The Effect of the Immigration Reform and Control Act of 1986 on Chelsea, Massachusetts," by Jennifer L. Gordon, Centro Presente

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aliens range as high as 7 million. These include many who might have been present in the United States before 1982, but who continued to fear that coming forward would result in deportation or separation from ineligible family members, or those who could not document their presence, or not afford the fees for registration, medical exams, fingerprinting, photos, agencies or lawyers.

For many Central American members of this residual undocumented population, IRCA represents less a hope than a threat. It means the loss of a job, no income, and being pushed further into the margins of American society.

It is often difficult to determine what is happening in that shadowy underground for those without legal immigration status and with little recourse for lawful employment. But social agencies serving immigrants and refugees are beginning to see greater desperation among undocumented persons and more basic survival issues coming to the fore.

"This is not just rhetoric--people are really scared," said Frank Sharry, executive director of Centro Presente in Boston. "There is a high level of hysteria, rumors, misinformation."

Centro Presente has recently published its own report on the impact of IRCA on undocumented Central Americans in Massachusetts. "Beginning in November of 1987," the report's author Jennifer Gordon writes, "jobs have become harder and harder to find, even for someone carrying the requisite documents. Employers (breaking the law in their attempts to comply completely) have begun to require a green card or a work permit in addition to the basic 'identity and work authorization' documents. As one Guatemalan woman well aware of her rights explained to me, 'you can tell the boss until you're blue in the face that he's not supposed to ask for a green card, but he just won't call you back the next day.'"

Social service agency personnel throughout the country make similar observations. "Basically, we have been seeing people lose their jobs," said Kathy Doan of the Central American Refugee Center (CARECEN) in Washington, D.C. "The firing started right after the bill was passed."

Unemployment, or underemployment with the constant fear of being fired, is on the increase. "Men and women who before worked two or even three jobs (part-time cleaning job, full-time factory night shift, weekend janitor) are now trying to support themselves and their children on the cleaning job alone," writes Gordon. "And while there are employers willing to give jobs to someone without papers, they often run the least reputable factories and are swamped with applications when the word gets around about their hiring practices."

The squeeze on jobs gives rise to a host of related social problems. Without a decent job and no government safety net, rent and food money are hard to come by. "Housing is definitely a problem," said Lauren McMahon, executive director of El Rescate in Los Angeles. "There are many people per unit." She said that housing is a problem regardless of immigration status, which makes the situation all the more tight for undocumented people.

"We are seeing more and more homeless undocumented--mostly Salvadoran--in our shelter," continued McMahon. "These are not just new arrivals, but newly homeless people who have been here for some time."

Sid Mohn, executive director of Travelers and Immigrants Aid of Chicago, observed, "We have seen an increased reluctance to access health care, pregnant women having home deliveries without medical support, more incidents of Central American homelessness, and Central American women showing up in shelters for battered women."

A number of voluntary agencies are attempting to avert the worst effects already starting to hit a population that is both unemployed and undocumented. Church World Service (CWS), for example, has moved $150,000 from its hunger funds to meet the survival needs of undocumented aliens.

Pat Taran, coordinator of CWS's Immigrant Services Project, noted, "Before this law, local projects that we fund reported dealing with legal, social, and psychological problems. Now they are asking for help to meet basic survival--food and shelter."

"My personal sense," he said, "is that predictions of a crisis for a further marginalized group within our population are being confirmed."

While the survival needs may be the most visible, the new law appears to be taking a psychological toll as well. Dr. Ricardo Galbis, medical director of Andromeda, an

Hispanic mental health clinic in Washington, D.C. which serves a largely undocumented, Salvadoran clientele, noted "a heightening of anxiety, alcohol abuse, depression, and fear." He said that young, single men are the most demoralized with the least hope. He added, "We see abnormal worry and grief. These people don't come in here seeking help unless they are having a real crisis."

One of the concerns mentioned by several agency personnel, albeit with reluctance and "off the record," was the worry that this combination of factors might soon result in increased criminal behavior among people who heretofore have been largely law-abiding despite their illegal status.

A related fear is that those who could be most preyed upon by undocumented criminals would be other undocumented people living in the same neighborhoods--the least likely people to report crimes committed against them, making them all the more vulnerable.

Are They Going Home? The objective of the employer sanctions portion of IRCA is to force undocumented aliens to return to their home countries. As with many other aspects of their condition, it is difficult to establish with any degree of certainty the actual extent to which Central Americans may quietly slip back home. For every observer such as Galbis, who finds "many persons are leaving, going back to El Salvador and Guatemala," there is an emphatic voice, such as Fran Tobin, staff attorney of CARECEN in Houston, Texas, who says, "None have returned. Salvadorans and Guatemalans are not going back."

Thus far, most voluntary agency personnel working with Central Americans report that the numbers of those returning are not significant.

Lutheran Refugee and Immigrant Services (LIRS) recently conducted a survey of 37 local projects assisting Central Americans and discovered, "Despite the expectation that refugees would self-deport in desperation, we have found that most Salvadorans and Guatemalans are staying and are finding work, piece work, or no work. Cutting off the refugees from the means of livelihood as a policy to literally starve people out is not working in their cases. Instead, poverty and its symptoms, such as malnutrition, lack of health, lack of adequate housing, are worsened."

Sharry from Centro Presente said that one group did return to La Union Department of El Salvador recently, but that within four days of their return, all the males who were not able to escape had been forcibly recruited into the army. He said that any numbers who do return are offset by new arrivals. "We are seeing the largest influx in the last three years," Sharry said. "This has nothing to do with IRCA, but with conditions in El Salvador."

In fact, the U.S. embassy in San Salvador reported in December that "illegal immigration to the United States is increasing" and has "risen back to 1984-1986 levels" despite IRCA, according to a classified cable revealed by the New York Times.

INS apprehension statistics, although not available by nationality, give a picture of whether illegal border crossings are on the increase (and whether IRCA is an effective deterrent). Monthly border apprehensions for 1988 have been running 3 to 17 percent higher than for the same months last year (although still considerably lower than the 1986 figures).

Refugee Status Still at Issue Those who work closely with Central Americans insist that most won't go home because the fear of persecution outweighs the hardships of life at the margins of American society.

"I have worked with Vietnamese and Cuban refugees, in resettlement of Africans, Asians, and Europeans," said Sharry. "I find it outrageous that we criminalize work for Central Americans who fled persecution and war. So many we deal with had family members killed. If that doesn't deem them as refugees, I don't know what does."

This assessment of Central American claims for refugee status received a boost recently from a federal judge in California who found that "a substantial number of Salvadorans who flee El Salvador possess a well-founded fear of persecution pursuant to United States asylum laws and the Refugee Act of 1980." (See following story.)

The Asylum Option Many Central American service providers report an increase in the numbers of Central Americans affirmatively applying for political asylum. To apply affirmatively means that the alien presents

"This is not just rhetoric--people are really scared." / Benedict J. Fernandez

himself voluntarily to the INS, and has his application reviewed by the INS district director. Asylum applications are also frequently raised in the course of deportation proceedings before immigration judges, including those applicants who affirmatively applied with an INS district director, but were denied.

"There has been a blossoming on the fringe of 'coyotes', mostly notaries, not attorneys, who advertize themselves as being able to provide work authorization," said Russell Christensen, staff attorney for CARECEN in Washington, D.C. "They fill out a superficial asylum application, which allows them to get a first I-94 for temporary work authorization."

Christensen continued, "The hearing officer sees that it is not a very substantial case, in two-to-three weeks issues an intent to deny, and two weeks later the application is denied and the work authorization is cancelled."

The scam has been repeated elsewhere as well. Mohn of Travelers and Immigrants Aid in Chicago said that the State Attorney's Office in Illinois conducted a vigorous campaign to go after "gauging and defrauding notaries."

Peter Upton, staff attorney for the American Friends Service Committee's Florida Undocumented Workers Program, said the problem is "rampant" in Florida. "There simply aren't enough nonprofit agencies to handle the demand." He said, "Those few who can afford it pay private attorneys exorbitant fees. The rest, the overwhelming majority, go to the notaries."

Upton noted a dramatic increase in affirmative asylum applications among Salvadorans and Guatemalans under pressure from employers for work authorization, who saw the success of Nicaraguan asylum seekers in Florida being given work authorization.

"Thousands of Nicaraguans came forward affirmatively and were granted work authorization en masse following [Attorney General Edwin] Meese's policy announcement in July 1987." [He announced that no Nicaraguan with a well-founded fear of persecution would be deported, and that qualified Nicaraguans would receive work authorization (see Refugee Reports, Vol. VII, No. 8).]

Six months later, the other Central Americans began applying affirmatively for the first time, and they have been receiving work authorization as well, according to Upton.

McMahon of El Rescate also noted a dramatic increase in affirmative asylum in Los Angeles. "This is incredible," she said, "No one ever applied affirmatively before."

Upton and McMahon's observations are borne out by a general overview of INS statistics for affirmative asylum applications from all nationalities. The average number of affirmative asylum applicants per month has been steadily increasing over the past several years, so that at present

nearly 4,000 people per month are applying for asylum. The statistics show an 82 percent increase over last year and a 186 percent increase over 1985:

FY 85--1,385 per month
FY 86--1,574 per month
FY 87--2,175 per month
FY 88--3,965 per month (first five months)

When affirmative applications are looked at by nationality, Guatemalans and Salvadorans show some of the most dramatic increases of any nationalities, such that new applications filed this year by Salvadorans now exceed the number filed by Nicaraguans:

	Pending Beginning FY 88	Received First Half FY 88
El Salvador	2,393	10,310
Guatemala	611	1,999
Nicaragua	13,560	9,067

This dramatic shift, evident by the numbers pending at the beginning of the year, shows indeed that significantly larger numbers of Guatemalans and Salvadorans are applying affirmatively, while Nicaraguans, still applying in large numbers, are not doing so at a higher rate than last year.

McMahon said, "Most didn't even know they were applying for asylum. Their employers give them I-589s [asylum applications] to fill out, telling them it is for a work permit."

Rosemary Tripp, project director of the IRCA Clearinghouse of the National Immigration, Refugee, and Citizenship Forum, said, "Once the asylum applicant is denied, he is eminently deportable. He is not protected by the confidentiality provisions [for denied legalization applicants] under IRCA. He comes right to the attention of the INS."

Christensen notes, however, that in the Washington, D.C. area, at least, denied asylum applicants have not been placed in deportation proceedings. "They are just left hanging on the vine."

"We think it is because they can't find work out there," he said. "We believe that the INS thinks that they will return of their own accord once work authorization is revoked."

Christensen said that asylum applicants who are represented by reputable lawyers are treated differently. The attorneys are able to contest the INS examiner's intent to deny and thereby maintain work authorization while the case is pending. "But more go to 'coyotes' than to legitimate attorneys," he said.

Many remain skeptical about the chances for Salvadorans or Guatemalans even with the best legal representation. "Given the age-old story of asylum approval rates, it is with some hesitancy that one can view that as a major alternative," said Mohn. Approval rates for Salvadoran cases filed affirmatively with INS district directors have stood at 2.7 percent for the past four years; the rate for Guatemalans, 1.3 percent for the same time period, among the lowest for all nationalities. By contrast, Nicaraguan approval rates have averaged 21.6 percent during this period (but their approval rate has been less constant--it jumped from 14 percent in 1986 to 84 percent in 1987).

Asylum approval rates for the first six months of FY 88 continue to show a discrepancy between Nicaraguans and other Central American asylum seekers. The approval rates for FY 88 through March 88 are:

	Cases Granted	Cases Denied	Approval Rate
El Salvador	29	865	3.2%
Guatemala	3	105	2.7%
Honduras	2	32	5.8%
Nicaragua	1,172	392	74.9%

Whereas the asylum option is still a matter of great uncertainty for Salvadorans and Guatemalans, it increasingly is the option of first choice for Nicaraguans.

"Nicaraguans did not stop coming as a result of the new law," said Martha Cardenal, President of Hermandad Nicaraguense in Miami. "Most of them go directly and apply for political asylum. Then go to the social security office and get a number so they can look for a job." In speaking of the Nicaraguan community, Cardenal said, "The new law has had no impact on jobs."

Legal Avenues of Relief Are Few Legal options for other undocumented aliens who did not legalize are limited. For some,

legalization may still be an option. The application period for special agricultural workers (SAWs) extends until November 30. And Haitian and Cuban entrants have until November 5 to apply for permanent resident status.

A U.S. district court has extended the application period to August 31 for certain other aliens who had been "known to the government" because of violations of non-immigrant visas prior to January 1, 1982. For example, aliens who worked while holding only student or visitor visas or aliens who failed to file required quarterly or annual alien registration forms prior to January 1, 1982 might still be eligible to legalize.

For most others, however, individual legalization through IRCA is no longer an option, if it ever was. A variety of legislative remedies for various groups of tnese people have been suggested. For Salvadorans and Nicaraguans, most hope is placed in the Moakley/DeConcini bill, which would provide for a temporary suspension of deportation for two years pending a General Accounting Office study of conditions of persons returned to those countries. The bill has passed the House of Representatives and the Senate Judiciary Committee, and is believed to be voted on by the full Senate very soon.

Although the House Judiciary Committee approved a generic safe haven bill on May 3 that would authorize the Attorney General to grant temporary safe haven and work authorization for aliens from countries experiencing ongoing armed conflict or natural disaster, no similar measure has been introduced in the Senate and no floor vote has been scheduled for the House.

Re-Opening of Cutoff Date Being Explored Although it is a long-range approach, some immigrant rights advocates are exploring the idea of reopening the January 1, 1982 cutoff date for legalization.

Cathi Pactaquin of the National Network for Immigrant and Refugee Rights in Oakland, California, said, "More and more undocumented people develop equities every year, so that a progressive legalization program with periodic reopening of cutoff dates could be used."

Rep. Joseph Kennedy II (D-Mass.) has introduced a bill that would considerably expand the legalization program by changing the eligibility cut-off date from January 1, 1982 to March 31, 1988, in effect making legalization an option for all aliens presently here. The bill has been referred to the House Judiciary Committee, and there is no companion bill in the Senate.

A number of critics of IRCA have suggested that if the point of the new law was, in the words of its co-author, Alan Simpson (R-Wyo.), to "remove a fearful, easily exploitable subclass from our society," then the ojective of the law has not been met.

Sources at the INS recently estimated for Refugee Reports that 4-to-5 million aliens remain undocumented.

"The Congressional debate surrounding legalization has rested without exception on the premise that the future enforcement of U.S. immigration law will be made more efficient and effective if there is not a large resident illegal alien population," wrote Doris Meissner and Demetrios Papademetriou in The Legalization Countdown. "With a 1982 cutoff date, perhaps twice as many aliens as those eligible for the one-year legalization program will remain in an illegal status."

Meissner and Papademetriou noted, "The five-year, January 1, 1982 cutoff date of the general legalization program makes the U.S. program the most restrictive of all the nations that have had similar programs."

Short-Term Efforts Focus on Workplace Rights Even the legislative remedies most likely to succeed do not offer relief to a population which by many accounts is in desperate straits now.

On June 1, employer sanctions will go into full effect. Thereafter, employers hiring undocumented aliens will not necessarily be given a warning citation before being levied with penalties.

On the east coast, in particular, labor shortages are being felt in many of the employment sectors that have relied on undocumented labor. "Many restaurants in this area are greatly impacted, and trying to cope with the labor shortage," said Tom Rouland, executive vice president of the Restaurant Association of Metropolitan Washington.

Jose Medina, executive director of

Instituto Laboral in San Francisco, said, "The new law has placed a greater burden on employers than they ever anticipated. The [enforcement] functions of the INS have been turned over to employers."

Medina said, however, that other employers, particularly smaller enterprises, will say to themselves that the INS will focus sanctions on the garment, hotel, restaurant, and construction industries, and will be willing to take the risk of continuing to hire undocumented workers. "They will measure the risk of a fine against their profit margin for hiring undocumenteds."

Medina is well-situated to assess the impact of employer sanctions, since a San Francisco hot-line set up to inform aliens of their rights referred employment-related cases to his organization.

"There have very definitely been unscrupulous, ruthless employers subjecting their employees to unsafe and unhealthy conditions," he said. "We tell them that they still need to uphold OSHA regulations and threaten to take them to court."

Instituto Laboral resolves most cases out of court, however. "The employer can make the simple calculation that it's cheaper to pay his worker than to face legal action."

Labor Unions Advocate for Safe and Fair Working Conditions Labor unions are also playing an increasingly important role in upholding workplace rights for the undocumented.

"We tell undocumented aliens that their best protection in the workplace is to sign a union card," said Enid Eckstein of the Service Employees International Union (SCIU) and chairperson of the Immigration Rights Advocacy Training and Education Project (IRATE), which represents a coalition of unions in the Boston area.

Much of IRATE's energies are directed to informing "grandfathered" employees of their rights. Aliens who were hired prior to the signing of the law on November 7, 1986 are "grandfathered in," meaning that employers do not have to check their documentation.

Grandfathered employees are particularly vulnerable to exploitation, because they have no other options. If they are fired, no one else can legally hire them. A number of agency personnel told Refugee Reports of cases in which grandfathered employees had their work hours increased without receiving overtime pay. One told of a Salvadoran woman who had worked 76 hours a week, $2 per hour in a restaurant for the past four years. Three years ago she cut her finger on a slicer and now needs continuing medical coverage to reconstruct damaged joints, but the employer refuses to apply for workman's compensation.

"We are set up to aggressively defend those grandfathered because we feel that if they are dismissed they will have no place to go," said Eckstein.

"Know Before You Act" Many thousands of people, including new arrivals, were not employed before the law went into effect. Their options are even more limited.

Some groups are exploring employment options not involving employers, such as cottage industries where piece work is produced in the home and cooperatives where, in effect, the undocumented work group is self-employed. Others are trying to figure out a way to use sixth preference visa numbers to obtain labor certification for undocumented aliens.

But many appear to be turning to clearly illegal means to circumvent the law. "Thousands upon thousands are using false documents," said McMahon. In response to this, Los Angeles groups have come together in the Coalition for Humane Immigration Rights (CHURLA), and, among other activities, has started a "Know Before You Act" campaign to tell aliens of the dangers of buying false documents.

"Be aware that if you are caught, it will be the end for you," McMahon says is the thrust of the message. "Be clear that this is not the way to go."

Penalties for the use of false documents to gain employment include fines and imprisonment.

Safety Nets For the undocumented who are or become unemployed, there is no safety net of federally funded benefits. As INS Commissioner Alan C. Nelson told the Senate Subcommittee on Immigration and Refugee Affairs, "A major component of the new law is that agencies verify the documentation and status of alien applicants for public benefits such as public assistance, food

stamps, educational assistance, housing, and unemployment compensation."

To do so, the INS has instituted the Systematic Alien Verification System (SAVE), an automated computerized system for determining the legal immigration status of persons using public benefits nationwide (see Refugee Reports, Vol. VII, No. 9).

City governments in San Francisco, Chicago, Boston, and New York have been exploring ways they might be able to help. On May 4, the last day to register for legalization, the City of New York sent out 80,000 brochures entitled "Immigrant New Yorkers: It's Your City Too." The pamphlet lists city services to which aliens are entitled regardless of legal status, such as education and emergency health care, fire and police protection. A hot-line set up during the legalization period will continue, geared toward the continuing population of undocumented aliens.

"The Mayor's office has been active in working on legalization," said Elizabeth Bogan, director of the Office of Immigrant Affairs for New York City, "but now we are switching gears and consciously thinking about the remaining undocumented population."

Muriel Heiberger, executive director of the Massachusetts Immigration and Refugee Advocacy Coalition, said, "We hope there will be some way through State public assistance to cushion the harshest impact of this new law on undocumented people, but it is questionable whether there is enough money in the State budget to provide these services."

In the end, Central Americans who are afraid to go home will stick within their own community and provide whatever means of support they can for each other.

"There has always been a large measure of self help in this community," said Oscar Herrera, director of survival services of the Father Moriarty Central American Refugee Program in San Francisco and himself the son of Salvadoran parents. Those who do have jobs, housing, or legal status will share what they can with those who do not have these things. "But not many will resign themselves to return," said Herrera. "Instead they say, 'I would rather die here of starvation than from a death squad in El Salvador.'"

Recent Developments

COURT ORDERS INS NOT TO HARASS, COERCE SALVADORANS TO LEAVE

The Immigration and Naturalization Service (INS) has been ordered to stop employing threats, misrepresentation, subterfuge, or other forms of coercion to induce Salvadorans to accept "voluntary departure" to El Salvador.

On April 29, U.S. District Court Judge David Kenyon issued the order for a permanent injunction against the INS on behalf of a nationwide class of Salvadorans.

The class action, Orantes-Hernandez v. Meese, was brought on behalf of all Salvadorans in the United States who have been or will be taken into custody by the INS. Although the court found that "a substantial number of Salvadorans who flee El Salvador possess a well-founded fear of persecution," and are eligible to apply for asylum, it also noted that "the vast majority of Salvadorans apprehended sign voluntary departure agreements which commence a summary removal process."

The widespread acceptance of voluntary departure, the court concluded, is due in large part to the coercive practices of the INS combined with the unfamiliarity most Salvadorans have of their rights under U.S. immigration laws.

"INS agents used a variety of techniques to procure voluntary departure," wrote Judge Kenyon, "ranging from subtle persuasion to outright threats and misrepresentations. Many class members were intimidated or coerced to accept voluntary departure even when they had unequivocally expressed a fear of returning to El Salvador."

"It is an extremely significant decision," said Linton Joaquin, director of the Central American Refugee Center (CARECEN) and one of the attorneys representing the plaintiffs in the case.

The government has 60 days to appeal the decision, and it is widely expected to do so. However, a Justice Department source told Refugee Reports that "no decision has been made on whether or not to appeal," and that Judge Kenyon's opinion is "still under review."

TEXT OF ORANTES-HERNANDEZ INJUNCTION CONCERNING SALVADORANS IN INS CUSTODY

°Defendants shall not employ threats, misrepresentation, subterfuge or other forms of coercion, or in any other way attempt to persuade or dissuade class members when informing them of the availability of voluntary departure.... The prohibited acts include, but are not limited to:

- ° Misrepresenting the meaning of political asylum and giving improper and incomplete legal advice to detained class members;
- ° Telling class members that if they apply for asylum they will remain in detention for a long period of time, without mentioning the possibility of release on bond....;
- ° Telling class members that their asylum applications will be denied, that Salvadorans do not get asylum....;
- ° Representing to class members that the information on the asylum application will be sent to El Salvador;
- ° Representing to class members that asylum applicants will never be able to return to El Salvador;
- ° Indicating that Salvadoran detainees will be transferred to remote locations if they do not elect voluntary departure;
- ° Advising Salvadorans of the negative aspects of choosing a deportation hearing without informing them of the positive options that are available;
- ° Refusing to allow class members to contact an attorney; and
- ° Making daily announcements at detention facilities of the availability of voluntary departure.

° Defendants shall inform the class member of the existence of his or her rights to be represented by an attorney, to request a deportation hearing, and to apply for political asylum.

° If...the class member informs Defendants that he or she wishes to apply for political asylum and/or a deportation hearing, or otherwise indicates that he or she fears returning to El Salvador, Defendants shall not advise, encourage, or persuade the class member to change his or her decision.

° Defendants shall provide the class members with access to telephones....

° Defendants shall revise and maintain updated and accurate legal services lists....

° Interested friends and counsel...will be informed of [detained Salvadoran's] location [and] of the date, time, and place [if the person is scheduled for voluntary departure]....

° Defendants shall...[g]ive counsel 24 hours actual advance notice of the date, time, and place...before removing the class member from the United States: [p]ermit counsel to rescind an agreement to voluntarily depart on behalf of the class member; ....[a]llow counsel or paralegals...reasonable access to class members....

° Defendants shall permit detained class members to receive and possess legal materials...and any other written materials.... Writing materials, including paper, pencils, pens, and access to typewriters, must be made available in detention facilities.

° Defendants shall provide detained class members with those legal materials regarding immigration matters which are currently available in both English and Spanish, and should work in conjunction with counsel for plaintiffs to produce additional materials in Spanish....

° Defendants shall not place any class member in solitary confinement for a period of more than 24 hours except upon good cause and unless said class member has been provided...[w]ritten notice of the charges...[a]n opportunity to appear at a hearing....

° Defendants shall not transfer detained class members who are unrepresented by counsel from the district of their apprehension for at least seven days to afford class members the opportunity to obtain counsel.

° Where a class member is represented by counsel...he or she can be transferred to other locations...however, venue shall remain in the district where the class member's counsel is located....

INS detention facility, El Centro, California / Benedict J. Fernandez

Joaquin said that it would be difficult to overturn on appeal because "the Judge made strong findings of fact based on an abundant record."

Previous case law dealing with issues such as informing aliens of their rights has derived from individual plaintiffs, not with class actions. Orantes-Hernandez, in contrast, originally filed in 1980, has been building slowly and covers a broad category of people. It brought about a preliminary injunction in 1982 enjoining certain INS practices with respect to Salvadorans, and resulted in a 14-month trial involving some 80 witnesses.

Court Finds Persistent Pattern of Illegal INS Conduct After documenting a detailed litany of coercive policies and practices in every phase of INS dealing with Salvadorans in its custody, Judge Kenyon noted, "This conduct is not the result of isolated transgressions by a few overzealous officers."

"Instead," he found, it "results from INS policies, and forms a pattern and practice of illegal conduct which is approved, authorized and/or ratified by INS personnel at all levels."

Those practices include giving improper and incomplete legal advice about asylum, suggesting, among other things, that Salvadoran applicants will face long detention, that information from the asylum application will be sent back to El Salvador, and that if they apply, their application will be denied anyway.

The court found that the "INS engages in a persistent pattern and practice of misconduct which deprives plaintiff class members of their constitutional right to due process and statutory right to apply for political asylum and withholding of deportation."

Judge Kenyon determined INS processing of detained Salvadorans to be "inherently coercive and often deliberately intimidating."

The court noted that as a general practice "INS knowingly locates its major detention facilities in communities with little or no legal representation available to indigent detainees." In transferring Salvadorans to remote and isolated areas, the court found that detainees "have been deprived of food and kept incommunicado for extended periods of time."

Conditions of detention include total or partial bans on writing materials, re-

strictions on telephone use, daily announcements of the availability of voluntary departure (without notifying detainees of other rights), limiting daytime visiting hours with attorneys, distributing inaccurate legal services lists, and placing detainees in solitary confinement without a hearing under the guise of administrative segregation.

Judge Kenyon determined that the treatment of Salvadorans at the hands of the INS stemmed in part from inadequate and inaccurate training within the Service. "This pattern of misconduct flows directly from the attitudes and misconceptions of INS officers and their superiors as to the merits of Salvadoran asylum claims and the motives of class members who flee El Salvador and enter this country," he said.

Court Requires INS to Inform Salvadorans of Their Right to Apply for Asylum Judge Kenyon held that notifying Salvadorans of their right to apply for asylum and relief from deportation is mandated by the 1980 Refugee Act. The Eleventh Circuit Court of Appeals has already ruled in Jean v. Nelson that Congress did not make a direct reference to requiring the government to inform aliens of their right to apply for asylum. The court reasoned that no such requirement could be implied, since Congress provides many opportunities without requiring the government to publicize their availability. Judge Kenyon observed, however, that "few of those other 'opportunities' arise in circumstances so perilous as...the situations of those who fled El Salvador."

Charles Wheeler, an attorney with the National Center for Immigrants Rights who represented the plaintiffs, said that this could be a key issue that the government might raise on appeal. "It might come down to a legal decision whether the INS is required to give special consideration to one nationality group," he said.

Wheeler said, however, that the government already treats various alien nationalities differently, such as in the granting of extended voluntary departure (EVD) status. "INS cables seem to change policies and procedures for nationality groups almost daily," he commented, "based on political whim."

Wheeler conceded that the case involved "some unique legal issues," such as deciding how specific safeguards for Salvadorans might change as human rights conditions change in El Salvador.

Neither the INS nor the Justice Department would comment to Refugee Reports on the substance of the case.

ASYLUM CRISIS WIDENS FOR REFUGEES IN SOUTHEAST ASIA

The asylum crisis that began with Vietnamese refugee boats being turned away from Thailand in January appears to be spreading to other Southeast Asian countries, with a refugee shooting reported in Indonesia, threat of a major camp closing in Malaysia, and policy reviews under way in Hong Kong and the Philippines. Meanwhile, boat pushbacks continue in Thailand despite some reports that the Thai government had discontinued the policy. The growing dimension of the problem has reinvigorated calls for a UN-sponsored international conference on Indochinese refugees.

On April 24, a Vietnamese refugee was killed and another wounded when Indonesian soldiers fired on their boat off Natuna Island, according to informed sources. The boatload of 125 people was redirected to Malaysia and arrived at the island camp of Pulau Bidong on April 28. "We have known for some time that Indonesia has been pushing boats back, but this is the first evidence of loss of life," said Roger Winter, director of the U.S. Committee for Refugees. "What we are seeing is the predictable chain reaction to bar asylum throughout the region."

On April 21, a Malaysian official in the prime minister's office suggested that Pulau Bidong, Malaysia's largest refugee camp, with a population of 7,200, may be closed within one year. "There is a big possibility of the government setting a one-year period, from a date to be fixed later...to resettle the Vietnamese," the official said. "Starting from that date, the government will no longer adopt a soft attitude to these illegal immigrants and will turn them away."

Most observers agree that the statement was prompted by a dramatic increase in Vietnamese arrivals in Malaysia, which resulted in part from the redirection of boats from Thailand and Indonesia. In the first three

months of 1988, a total of 2,921 refugees arrived, including 1,726 in March alone, according to the UN High Commissioner for Refugees (UNHCR).

The Malaysian prime minister later promised that alternative solutions would be sought through talks with other asylum countries, UNHCR, and Vietnam itself, before the camp was closed.

Hong Kong Debates Alternatives Faced with increasing arrivals, diminished resettlement commitments, criticism of its restrictive closed camp policies, and growing local demands for a long-term solution, Hong Kong is considering a redefinition of the status of Vietnamese boat people, according to Sir David Wilson, governor of Hong Kong. "We will not see people sinking in boats in front of Hong Kong," Wilson said, but he did indicate that individuals identified as illegal immigrants, rather than refugees, could be returned to Vietnam.

Hong Kong's Vietnamese refugee population stands at 9,500, of whom 6,700 are in closed camps, where access and services are limited and residents are not allowed to seek outside work. The 2,800 people who arrived before July 1982 are housed in an open camp, Kai Tak, where they are permitted to take temporary employment.

Oxfam Hong Kong, a relief and development agency, criticised the closed camps in a November 1987 report, calling their serious overcrowding and prison-like atmosphere a "scandal." Christopher Bale, director of Oxfam Hong Kong, said the camps are "just barely adequate for short-term stays, but there are almost 5,000 people who have been living in these places for three years, and 3,000 who have been in them for more than five years." The Oxfam report also stated that the closed camp policy has not been effective in deterring new arrivals.

"Keeping camps closed may not be a very effective deterrent to fresh migration," said Rita Fan, head of the Hong Kong Legislative Council's ad hoc committee on refugees, "but if we don't use this, then we have no deterrent at all. While we find a long-term solution, they are a necessary evil." Fan said that resettlement countries should be pressed to admit the nearly ten thousand refugees now in Hong Kong, but new arrivals should be detained indefinitely until they can be returned to Vietnam.

"As things stand now," said Fan, "higher resettlement rates only prompt more people to leave Vietnam,...so there is really no point in persuading them to increase their quotas unless we can assure them that a solution has been found."

Resettlement of refugees from Hong Kong dropped from 3,816 in 1986 to 2,212 in 1987, while arrivals jumped from 1,817 to 3,291 in the same period.

Sources report that the Philippines is also reviewing its asylum policies in light of developments in the region.

Pushbacks Continue in Thailand Recent media reports indicate that the Thai government has signed an agreement with UNHCR which provides for the movement of Vietnamese boat arrivals to Site 2, a camp on the volatile Thai-Cambodian border. One account in the Washington Post reported that Thailand also "agreed to allow all new boat arrivals to land," but such a promise does not appear to have been part of the agreement with UNHCR. "Our deterrence policy remains in effect," a Foreign Ministry official told the New York Times on April 20, "but we have clearly stated that this will be done in a humanitarian way." Field reports continue to document pushbacks of boats in the southern provinces. One recent incident involved the pushback of 79 refugees near Songkhla on May 8.

On May 7, a group of 385 Vietnamese were moved from a beach shelter in Trat Province to Site 2. Previously, 252 boat Vietnamese were moved in Site 2 in March. An additional 1,200 boat arrivals remain in Trat beach shelters and over 500 more are still on Rang Yai Island.

New Calls for an International Conference "We can't go on forever. Something must be done now," said Malaysian Foreign Minister Abu Hassan Omar, following an April meeting with Jean-Pierre Hocke, the UN High Commissioner for Refugees. "The only thing to do is to get all the countries together--the first asylum countries, the Vietnamese and the receiving countries--so this can be discussed. There is a need for an integrated solution." At a May 2 meeting in Dusseldorf of the foreign ministers of the European Community and the six-member Association of Southeast Asian Nations, consen-

(continued on page 14)

FLEEING AFGHAN REFUGEES WERE MASSACRED, AMNESTY INTERNATIONAL CHARGES

Soviet and Afghan government forces deliberately killed Afghan refugees traveling toward Pakistan in 1987, according to a May 1988 report by Amnesty International (AI).

The report states that "the victims were deliberately killed while obviously helpless after having been identified as refugees." Amnesty says the killings were part of a pattern of abuse in which refugees "are routinely seized and summarily executed or otherwise attacked and deliberately killed."

The Amnesty report, Afghanistan: Unlawful Killings and Torture, is based on testimonials from refugee survivors and witnesses of assaults on columns of unarmed refugees.

Reports included an account of a teacher from Kabul who in fleeing Afghanistan in May 1987 came across the bullet-riddled bodies of about 130 refugees who had used a known refugee escape trail in the Yakpaaya valley of Logar Province near the Pakistan border. The refugees had apparently been killed the previous day.

Other refugee accounts include those of the survivors of a group of 100 families who fled their village near the Soviet border, Sherkhudo, after it came under intense bombardment in September. In two separate incidents in October the unarmed group making its trek to Pakistan was subjected to rocket attack by Soviet helicopters and rifle fire and shelling by government forces. AI listed the names and ages of the dead, many of whom were children.

Amnesty notes that the reported killings of refugees date from the period after the Afghan leader, Najibullah, announced a "National Reconciliation" policy in January 1987 calling for the return of Afghan refugees.

"The killing of refugees trying to go abroad has been accompanied," the report notes, "by attempts to encourage refugees who are already abroad to return home." AI mentions the case of a 67-year-old man in Kabul who was arrested in March after he rejected police requests to write to his step-brother in the United States to return home. By the end of the year, the man was believed to remain in detention.

The Amnesty International report also documents torture and extrajudicial executions of non-refugee Afghans, as well as forced military conscription of "released" political prisoners.

Afghan refugees head for the border/UNHCR

sus reportedly was reached on the need for such a conference.

Most observers agree that the restoration and preservation of asylum for refugees in Southeast Asia will depend on an "integrated solution," but there is considerable debate and disagreement as to what that solution should include and how to realize it. Proposals made by the first asylum and resettlement countries have included international "sharing-out" of commitments to resettle the "long-stayers" in refugee camps, expansion of legal immigration routes through the Orderly Departure Program, the establishment of screening programs to distinguish genuine refugees from those fleeing for other motives, and the creation of closed camps with limited or no access to resettlement in order to deter refugee departures.

Update

° Violence in Site 2, a refugee camp on the Thai-Cambodian border housing 160,000 Cambodians and about 4,000 Vietnamese, has been escalating rapidly in 1988 and an expert assessment of the security situation predicts an armed revolt in the camp within the year. "The camp is self-destructing from within," said a relief worker in Thailand. "We are seeing the social fabric unraveling at an increasingly alarming rate."

According to the worker, the UN Border Relief Operation (UNBRO) has reported a rapid escalation of "victims of violence" cases. In 1987, 455 cases of violence were reported, 55 percent of which were beatings. "The reasons," according to the notes, "are increasingly bizarre and trivial incidents that escalate. There are many ax injuries and beatings with bamboo sticks." There were twelve suicide attempts in March and two murders in April. "Site 2 is killing the Khmer, physically and spiritually," said another source.

In addition to the violence Cambodians have suffered at the hands of family members and neighbors, there are the continued abuses of Task Force 80, the Thai paramilitary security unit. According to the worker, guards have begun confiscating valuables belonging to the refugees--tape players, radios, etc.--"perhaps because TF 80 is supposed to be replaced soon and they want to get the goods while they can." TF 80 guards are to be replaced shortly by better trained Displaced Persons Protection Units.

The relief worker cited a conclusion reached by Shield Asia, a team of security specialists, that armed revolt is likely within the year, given the growing desperation and the wide availability of weapons.

"There must be continued pressure on the Thai to allow the camps to be divided and to move," said the worker. "They need land and breathing space. They need choices--the smallest control over their lives. But all of these measures...are probably still not enough.... They need to go home safely. They desperately need a political settlement. It's their only hope."

° A 63-year-old Salvadoran refugee at the Colomoncagua refugee camp was shot and killed by Honduran soldiers on April 23, according to sources working in the camp. The refugee, Santos Saenz Vigil, was reportedly shot four times by one soldier. He had been tending his garden within the confines of the camp, and there is no evidence of provocation before he was killed.

Subsequent to the killing, tension in the camp has been high and gunfire is frequently heard around the camp at night. Among other incidents that have occurred was the arrest on May 2 of Francisco Deras, a Honduran employee of Caritas in the camp. Deras was subjected to physical ill-treatment before being released the following day. UNHCR has lodged protests concerning both incidents and the UNHCR presence at Colomoncagua has been reinforced.

° On April 27, Senators Edward M. Kennedy (D-Mass.), Strom Thurmond (R-S.C.) and Alan K. Simpson (R-Wyo.), all members of the Senate Judiciary Committee, sent a letter to President Reagan stating that "we have consulted with Secretary of State Shultz on your request to admit this year an additional 15,000 refugees.... We concur in this request on the condition that the foreign policy, humanitarian and fiscal issues involved will be thoroughly reviewed at a hearing scheduled at a mutually convenient time."

In a Senate speech the following day, Kennedy said the development of a new flow

of Armenians from the Soviet Union, who have been allocated 12,000 of the additional FY 88 numbers, "must be given a thorough airing if our refugee program is to receive the support it deserves, and if they are bona fide refugees."

° The Subcommittee on Foreign Operations of the House Appropriations Committee has reported out an FY 89 appropriations bill that would give the Department of State $338,450,000 for refugee and migration assistance, the same level of funding provided in FY 88. The bill, in addition, appropriates $23,500,000 for the Office of Refugee Resettlement to make up for the discrepancy between the State Department's estimate of 68,500 refugee arrivals in FY 89, and ORR's estimate of 51,000.

The bill also appropriates $30,000,000 for the emergency migration and refugee assistance fund "to meet additional requirements for refugee assistance resulting from admission of additional Soviet Jews and Vietnamese Amerasians. The House appropriations bill includes an earmark of $27,500,000 for refugees resettling in Israel, and an earmark of not less than $15,000,000 for resettlement of Amerasians.

Projects and Programs

AMERASIAN PROGRAM PLANNING GROUP CALLS FOR RESETTLEMENT IN CLUSTER SITES

Since 1982, about 4,100 Amerasians and 6,100 family members have entered the United States. But prospects for admission of much larger numbers were enhanced with passage of the "Amerasian Homecoming Act" last December. Introduced by Rep. Robert Mrazek (D-N.Y.), the act provides for the admission of Amerasians "without numerical limitation" for a two-year period beginning March 1, 1988. Amerasian families, furthermore, will enter the country as immigrants, but with full refugee benefits.

Anticipating arrivals of up to 30,000 Vietnamese Amerasians and accompanying family members in the next two years, an Amerasian resettlement planning committee has completed a report calling for placement of Amerasians in a "coordinated plan of cluster sites" throughout the country.

The report also recommended that "immediate intensive services," including orientation and support, language training, and job counseling, should be made available to Amerasians as soon as they arrive to help them and their families through the initial and often painful process of adjustment.

The committee included representatives from ORR, the State Department, voluntary agencies, mutual assistance associations, state refugee coordinators, as well as the Vietnam Veterans of America, the Indochina Resource Action Center, and the Center for Applied Linguistics.

The Office of Refugee Resettlement (ORR), which funded the committee's two national meetings and subsequent report, has indicated that limited special funding will be available for Amerasian resettlement, but insists that the number of cluster sites be restricted at least for the next year in order to conserve resources.

Experts Say Cluster Sites Make Sense "The clustering concept is a very good one," said Rose Marie Battisti, executive director of the Mohawk Valley Resource Center for Refugees in Utica, New York. Her center has resettled more than 360 Amerasians and their families since 1983--a larger number, Battisti believes, than any other city in America. Other committee members have cited Utica as one of the model programs for Amerasian resettlement in the United States.

There are three reasons for Utica's success, Battisti told Refugee Reports. First, "Utica is a small city, with a population of only about 76,000. Refugees don't fall through the cracks here." Second, she said, "We run a kind of one-stop shop, so we see the Amerasians virtually every day." A combination of voluntary agency and state funding means that the Mohawk Valley center not only provides reception and placement services, but language training and job counseling as well.

Finally, and perhaps the most important concept behind clustering, Utica provides a community of Amerasians who are, Battisti said, "a support group to each other. They intermarry, they work together, they have become the hub of the refugee community here."

The mutual support that Amerasians share holds true for their mothers too, says Anna

Peterson Crosslin, executive director of the International Institute of Metropolitan St. Louis, in Missouri. "They have a natural sympathy for each other's circumstances, and are more comfortable relating with one another than with the Vietnamese or American communities," Crosslin said. Her agency has resettled about 200 Amerasians and family members since 1983.

"What we have learned about clustering is that there is more to it than just sending a group of people to the same site," said Nancy Schultz, coordinator of children services for U.S. Catholic Conference, Migration and Refugee Services. "A functioning cluster site means people have easy access to one another. It is what one is doing operationally that defines the concept."

Ngoan Le, director of the Vietnamese Association of Illinois in Chicago, would agree. "The central element in selecting cluster sites should be the quality of services available rather than the location itself," Le said. "It doesn't really matter if you are in a small town or big city. There needs to be close supervision at the initial stage of resettlement, so that problems can be taken care of right away."

Le's association conducted a survey in March of about 100 Amerasians and family members and found that fifty percent of the Amerasians surveyed said they were having problems in school. Of these, 25 percent had dropped out, 15 percent had run away from home, and 20 percent had experienced "minor brushes" with the law. The survey also indicated that the average age of an Amerasian in Chicago was 17, and the typical Amerasian family unit was composed of three people.

Le pointed out that some of the problems experienced by Amerasians were common to adolescents in the same age group, regardless of ethnic background or family status. Still, most observers seem to agree that Amerasians coming to the United States experience a kind of "triple-whammy" identity crisis. They are vulnerable, first, to the normal identity crises of teenagers, second to the anxieties of adjustment that are common to the refugee experience, and third, as Amerasians, they are still dealing with the special crisis of growing up biracial and without a father in an ethnically homogenous society that, in the words of the committee report, "confers identity from the father's family."

In order to be successful under these circumstances, Le said, service agencies need to be "proactive," considerate of these special needs, and must also seek "lots of support from the local community."

ORR Presses Voluntary Agencies to Limit Initial Number of Cluster Sites While information is sketchy as to actual numbers of Amerasians and family members expected to arrive in each of the next two years, State Department officials estimate that only about 1,000 Amerasians and family will arrive in FY 88 and that large numbers will not begin to arrive until the second half of FY 89. Such a gradual start up means that "community level planning can proceed at a deliberate pace," ORR Director Bill Gee said in a letter to InterAction. "I would thus hope that voluntary agencies would prioritize (and thus limit) their proposed cluster sites for this initial period, and utilize only those needed for October 1988--March 1989 arrivals."

In February the State Department's Bureau for Refugee Programs (BRP) invited the voluntary resettlement agencies to submit a list of sites suitable for Amerasian resettlement. Following a review and winnowing out of several unsuitable locations, the State Department list now includes eight voluntary agencies and about 26 sites around the country. "We have never insisted on a fixed number," said Anita Botti of the BRP, "but we are comfortable with the list and the review process so far."

An ORR official said that the purpose of the request to prioritize sites was not meant to limit the absolute number. "What we intended to convey," said Allan Gall, "was the idea that it wouldn't work to implement a cluster approach if you start with all the sites simultaneously."

Wells Klein, executive director of the American Council for Nationalities Service and InterAction chair of the planning committee, said that "the voluntary agencies are concerned with trying to get the cluster sites down to a manageable number. We recognize that sites need to be prioritized in order to make effective use of resettlement funds. But there are important case work considerations that come into play as well," relating to optimal

numbers of families per site and the rate at which they are resettled.

Voluntary agencies have considerable latitude in placing Amerasian families, as about 65 to 75 percent are "free cases," that is, without family members already in the United States, according to Marta Brendan, consultant for children in migration for Lutheran Immigration and Refugee Service and coordinator for the planning committee. The percentage of free cases in the Indochinese refugee population as a whole is "far lower," Brendan said. In cases of close family reunification, voluntary agencies generally are obliged to resettle newly arriving refugees with their relatives.

Committee Offers Advice to Cluster Sites

Planning committee members had several recommendations for potential cluster sites as they prepared for new Amerasian arrivals. Given the limited education Amerasian children typically received in Vietnam, both Le and Battisti agreed that alternative or supplement programs were needed to regular high school programs, with an opportunity to monitor education progress closely and make adjustments. "New sites will have to be innovative," said Battisti, "I don't think the public school system makes sense for this group. Good, intensive language and vocational training programs are much more useful."

For Amerasians who must be in school due to state age requirements, Battisti recommends after-school programs. Two former Vietnam veterans volunteer their time in her program to teach computer skills, along with English practice.

"This is an older age group now," said Crosslin, "and some of the things we did last time won't be appropriate anymore. They may not be adults emotionally, but the expectation is that they will need to go to work early. A high school degree may not be a realistic goal, initially."

Schultz says that "a certain level of professional intervention" on the part of social workers is also critical to consider. "This is not resettlement-as-usual. There are some serious problems to address, which call for sophisticated thinking" by local service providers.

In order to promote communication and coordination between cluster sites, the Amerasian resettlement planning committee suggested that a "national point of contact" be designated to gather and disseminate information, promote technical assistance and resource sharing, stimulate local community planning, and troubleshoot problems.

"We tend to focus on the problems," said Ngoan Le, "but it is important to remember that some of the families are doing very well." She gave the example of an Amerasian who heads a Vietnamese student club at Senn Academy, a public high school in Chicago. And while she strongly endorses special funding and support for Amerasian families, Le said that local agencies must work to adjust the "unrealistic expectations" these families may have about resettlement. "This group has been ignored and neglected for such a long period of time. Now, suddenly, they are getting lots of attention, intensive media coverage. We must be sure they are ready to cope when the TV cameras turn off again."

Meetings and Conferences

° The American Immigration Lawyers Association (AILA) will hold its Annual Conference on Immigration Law, from June 15 to June 19, at the San Diego Marriott Hotel, in San Diego, California.

Among refugee-related topics covered will be panel discussions on "International Refugee Issues: Restrictive Policies at Home and Abroad," "Asylum Policy: The Justice Department Perspective," and "Cardoza-Fonseca: One Year Later."

Registration is $375 for AILA members ($275 for members who work for nonprofits), and $475 for nonmembers. Late charges will be added after June 1.

For further information, contact the AILA national office, 1000 16th Street NW, Suite 604, Washington, DC 20036. (202) 331-0046.

Resources

PROSPECTS FOR GUATEMALAN REFUGEE REPATRIATION ASSESSED

Guatemalan refugees are studied perhaps in greater detail than ever before in two new

books by Beatriz Manz, an anthropologist affiliated with Wellesley College and Harvard University.

Based on extensive fieldwork in Guatemala and Mexico, Refugees of a Hidden War: The Aftermath of Counterinsurgency in Guatemala and Repatriation and Reintegration: An Arduous Process in Guatemala look at the situations of refugees and displaced persons and the conditions that they face upon return to their former homes.

The more lengthy study, Refugees of a Hidden War, while offering historical and even worldwide refugee contexts for understanding the Guatemalan situation, makes its original contribution through its detailed assessment of conditions in the highland municipality of San Mateo Ixtatan, the Ixil-speaking region of El Quiche and the northern lowland area of Ixcan. It concludes that the military has embedded itself in the coutryside in far-reaching ways, that fundamental economic and social reforms have been precluded, and that essential guarantees of life and safety are absent. The traumatic aftereffects of a particularly brutal counterinsurgency war waged largely against the civilian population itself has left a legacy of mistrust and fear that has been deepened by the involvement of the military in development schemes in these same regions.

As its title suggests, Repatriation and Reintegration gives more extensive treatment to a subtopic of the other work. However, given the attention focused on Central American refugee repatriation, both from the point of view of the Arias Peace Plan as well as U.S. debates on the impact of the new immigration law and safe haven legislation, this shorter work is likely to have a greater impact on refugee policy.

Although both books are newly published this year, Manz's field work for the larger, 283-page Refugees of a Hidden War ended in June 1986, while the shorter, 72-page paperback, Repatriation and Reintegration is more current, reflecting field work through June 1987, and responding to such recent pertinent events as the August 7, 1987 signing of the Arias Peace Plan.

In Repatriation and Reintegration, Manz looks both at the economic and political context for reptriation--human rights, land reform--as well as the logistical and procedural problems associated with it. In both cases she presents a strong argument that the conditions are not suitable for repatriation of the refugees.

Unresolved issues, including abusive treatment by local authorities, ambivalence of the military, mandatory civil patrol service, loss of land, lack of independent human rights monitors, and disrespect of Indian culture continue to make successful integration of returnees unlikely, according to Manz.

Also lacking, she points out, is the development of an infrastructure to accommodate repatriates.

Manz interviewed a number of Guatemalan refugees who have returned. She said that it was difficult to conduct interviews at all "because of the tight and obvious control exercised by the civil patrol and the refugees' own fear." Nevertheless, the refugees confirm Manz's conclusions. Instead of returning to their former homes and lands, returnees found themselves confined to galeras, large barrack style buildings, in the polos de desarrollo, "development poles," set up by the army to regroup the population in easily controlled "model villages."

"We are still in the galera piled up like animals," one returnee told Manz in March 1987. "When we came we were told that there will be land and houses, but there is nowhere to work....We came to respect the laws, but we are sad right now. There is no life now. We are like chickens in the field, not like we were in Mexico. In Campeche [where many Guatemalan refugees are located in Mexico] we built our houses, because COMAR gave us the wood."

Refugees of a Hidden War is available for $16.95 paper, $46.50 cloth, from the State University of New York Press, P.O. Box 6525, Ithaca, NY 14850. (607) 277-2211. Include $1.50 for postage and handling. Repatriation and Reintegration can be ordered for $7.50, plus $1 for handling, from the Center for Immigration Policy and Refugee Assistance (CIPRA), Georgetown University, P.O. Box 2298, Washington, DC 20057. (202) 687-7074.

GUATEMALA: ETERNAL SPRING, ETERNAL TYRANNY

The history of human rights in Guatemala is captured in words and photos in a recent

book by Jean-Marie Simon. The title of the book, Guatemala: Eternal Spring, Eternal Tyranny, encapsulates well the disquieting mix of beauty and horror that gives this volume its unique power.

Simon's photos demonstrate her feel for the textures and nuances of life in Guatemala. The text, by bringing together interviews and press reports, juxtaposing Amnesty International and U.S. State Department human rights reporting, reveals the conflicting voices speaking on the abuses that have left tens of thousands dead and hundreds of thousands displaced.

Simon has no hesitancy in assigning blame. She says, "If the Guatemalan government and the U.S. State Department encounter 'difficulty in assigning responsibility' for Guatemala's atrocities, then they are alone." Simon places the blame squarely on the Guatemalan army and security forces.

"In Guatemala," she notes, "no one outside the charmed circle of the army and the very rich is safe, almost everyone is a victim in one way or another, and even those privileged few who remain immune from repression are conditioned by cowardice or greed."

Guatemala: Eternal Spring, Eternal Tyranny is published by W.W. Norton and Company. It is available for $20 through Americas Watch, 712 G St., SE, Washington, DC 20003. (202) 546-9336.

CHILDREN'S DRAWINGS FROM EL SALVADOR

Salvadoran refugee children in Honduran refugee camps in 1984 were supplied with bright-colored crayons for play therapy and asked to draw their memories of their homeland. The colors did not evoke images of flowers, trees, and sunshine, but rather stark and crude images of blood, fire, and death. Fire from the Sky is a collection of 24 drawings, a disturbing testament to the violence these children fled.

Fire from the Sky is available for $10 from the Salvadoran Children's Fund, P.O. Box 50743, Washington, DC 20004. (202) 737-5317. For bulk orders of 10 or more, the price is reduced to $5.

A similar publication, Children Sharing..Children Caring..., featuring drawings and writings of Central American refugee children is available from DIAKONIA, APDO 500-2050 San Pedro, San Jose, Costa Rica.

SALVADOR EVD HEARING REPORT NOW AVAILABLE

The Senate subcommittee on immigration and refugee affairs has recently published its hearings on the Moakley/Deconcini bill (S. 332) to provide for a temporary safe haven for Salvadorans in the United States pending a General Accounting Office investigation and report on conditions of displaced Salvadorans. (At the time of the hearing, only Salvadorans were included in the bill. Since then, Nicaraguans have been added as well.)

The hearing includes testimony from government witnesses such as Alan Nelson, commissioner of the Immigration and Naturalization Service, and State Department officials. Private sector testimony includes Aryeh Neier of Americans Watch, Michael Posner of the Lawyers Committee for Human Rights, and Roger Conner of the Federation for American Immigration Reform.

The interchanges between senators and witnesses are both informative and entertaining, particularly when Senator Alan K. Simpson (R-Wyo.), a prominent opponent of the bill, faces off with the bill's private-sector supporters.

The report also includes a number of important documents, including a copy of the letter from President Duarte to President Reagan in which the Salvadoran President asks for nondeportation of Salvadorans in the United States.

The hearing report also contains the complete text of the Refugee Policy Group report, Safe Haven: Policy Responses to Refugee-Like Situations (see Refugee Reports Vol. VIII, No. 8).

A limited number of copies of the hearing report, Temporary Safe Haven for Salvadorans, (Serial No. J-100-26; Stock No. 552-070-03284-3), are available free of charge from the Senate Subcommittee on Immigration and Refugee Affairs, SD-518 Dirksen Senate Office Building, Washington, DC 20510.

It can also be purchased for $9 from the Superintendent of Documents, Congressional Sales Office, U.S. Government Printing Office, Washington, DC 20402.

SUMMARY OF REFUGEE ADMISSIONS, FIRST HALF OF FY 88

COUNTRY OF CHARGEABILITY	FY ADMISSIONS AS OF 3/31/88	FY 88 CEILING
AFRICA		
Angola	7	
Ethiopia	598	
Kenya	1	
Lesotho	2	
Mozambique	7	
Namibia	2	
Somalia	3	
South Africa	15	
Tanzania	1	
Zaire	1	
TOTAL AFRICA	637	(3,000)
EAST ASIA--1ST ASYLUM		
Cambodia	230	
Laos		
Highland	3,155	
Lowland	1,962	
Subtotal Laos	5,117	
Vietnam		
Land and Boat	2,528	
Other	20	
Subtotal Vietnam	2,548	
EAST ASIA--1st ASYLUM	7,895	(29,500)
ODP	2,161	(8,500)
TOTAL EAST ASIA	10,056	(38,000)
EASTERN EUROPE		
Albania	36	
Bulgaria	29	
Czechoslovakia	191	
Hungary	154	
Poland	1,247	
Romania	1,269	
Soviet Union	8,089	
Yugoslavia	3	
TOTAL EASTERN EUROPE	11,018	(15,000)
LATIN AMERICA		
Cuba	97	
Nicaragua	50	
TOTAL LATIN AMERICA	147	(3,500)
NEAR EAST/SOUTH ASIA		
Afghanistan	1,088	
Iran	2,474	
Iraq	26	
TOTAL NEAR EAST ASIA	3,588	(9,000)
GRAND TOTAL	25,446	(68,500)

Source: U.S. Department of State, Bureau for Refugee Programs

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